

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY



IN THE MATTER OF NATIONAL POLLUTANT)
DISCHARGE ELIMINATION SYSTEM PERMIT)
No. IN-0000281 ISSUED TO UNITED STATES)
STEEL CORPORATION, GARY WORKS)

NPDES Permit No. IN-0000281
Application No. IN-070 0x3
720608

REQUEST FOR ADJUDICATORY HEARING

Now comes the permittee, United States Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania, 15230, by its attorneys, Jay A. Lipe, James T. Harrington, Rooks, Pitts, Fullagar and Poust, pursuant to 40 CFR §125.36 as amended request an adjudicatory hearing to consider the determination of the regional administrator with respect to the conditions contained in permit nos. IN 0000281 dated June 25, 1976 issued for its facilities at Gary, Indiana. In support of said request, petitioner requestor states as follows:

1. Requestor is United States Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania, by its attorneys, Jay A. Lipe, James T. Harrington of Rooks, Pitts, Fullagar and Poust.

2. United States Steel Corporation (hereinafter "USSC") is the applicant for the permit and is the owner and operator of the integrated steel mill more commonly known as United States Steel Corporation -- Gary Works located One North Broadway, Gary, Indiana, for which the permit and conditions contained therein are issued and which is the subject of this request for an adjudicatory hearing.

3. The employees and attorneys for USSC will represent no persons other than USSC at the adjudicatory hearing.

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4. USSC hereby agrees to make any employee or consultant available for examination and cross-examination at the expense of such requestor or such other person upon request of the Presiding Officer on his own motion or the motion of any party. This agreement is made in response to the requirements of 40 CFR §125.36(b) (2)(iv) and is not in derogation of any rights USSC may have to challenge the validity or application of such section or call upon the regional administrator or Administrator of the Environmental Protection Agency to make all other persons including employees of the Environmental Protection Agency equally subject to such examination and cross-examination.

5. This request for an adjudicatory hearing is made because USSC does not agree with the terms and conditions of the permit dated June 25, 1976. USSC recognizes that such permit purports to conform to the Initial Decision of the Regional Administrator and is a result of the decision of the Administrator following the adjudicatory hearing in Case No. NPDES-V-027(ah). Because said permit does not, however, conform in all respects to the decision of said Regional Administrator and Administrator of the United States Environmental Protection Agency and contains terms and conditions which differ from those contained in the Initial Decision and decision presently on appeal to the United States Court of Appeals for the 7th Circuit, and because it does not purport to be a culmination of the adjudicatory hearing process but rather a new permit superceding that previously issued. USSC.

6. USSC objects to the terms and the conditions of the permit for the reason, among others, that the regulations for the National Pollution Discharge Elimination System published 40 CFR part 125 as amended are unlawful. These regulations are either without statutory basis or have not been promulgated properly as to those provisions which were not published as conditions or which were substantially changed from the proposed conditions as set forth in the notice of proposed mill making. USSC objects in particular, but not limited to subsection C of the regulations as amended relating to terms and conditions of permits and subsection D relating to adjudicatory hearings, particularly insofar as both sections purport to deny USSC a due process hearing on the terms and conditions of the permit being issued to it or to deny it the right to raise any legal challenge to the terms and conditions of said permit.

7. USSC objects to the conditions of the permit contained on page 1 which states that the permit authorization to discharge "shall expire at midnight, October 31, 1979." USSC requested said provision be modified to read as follows, "this permit in authorization to discharge shall expire at midnight five years from the date of final issuance hereof."

8. USSC objects to that portion of paragraph 6 on page 2 of 57 of said permit which requires the first monitoring report to be submitted on April 28, 1976 in that said date was prior to the effective date of the permit in which it is contained and was during the period when the terms and conditions of previous permits were stayed.

9. USSC objects to all of those terms and conditions contained in paragraph 29 of page 7 of 57 in that it understands that the State of Indiana is withdrawing its request for the inclusion of said terms, and that the parties heretofore have agreed to the deletion or modification thereof. Particularly, USSC objects to 29 (a)(1) in that it is overly vague and USSC cannot determine the requirements thereof or take action to comply therewith. USSC objects to the requirements of paragraph 29(a)(2) which requires it to submit two separate reports to the state agency on the 15th day of the month following the period for which they are submitted. USSC requests that it be modified to read "USSC permittee shall submit one report to the state agency every month. This report shall be the Indiana State Board of Health Monthly Reporting form and it shall be submitted by the 28th day of the following month."

10. USSC objects to the requirements of paragraph 29(b) on page 8 of 57 "intake structures" purportedly adopted pursuant to §316(b) of the Act and moves that said requirements be stricken in their entirety for the reason, among others, that (a) there is no authority in the United States Environmental Protection Agency to require 316(b) demonstration for integrated steel mills; (b) requirements thereof are arbitrary or capricious and unreasonable and impose an unreasonable burden on permittee; (c) the requirements thereof are so vague to prevent permittee from knowing what is required in taking action to comply therewith.

11. USSC objects to the requirements of paragraph 29(c) on page 9 to 11 of the permit and moves that they be stricken in their entirety for the reason that:

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(a) There is no authority in the United States Environmental Protection Agency to regulate, control or require information with respect to deep well disposal.

(b) The requirements of paragraph 29(c) are arbitrary, capricious and unreasonable and would impose an unreasonable burden upon permittee and could not be complied with.

12. USSC objects to all the terms and conditions of paragraph 30 set forth on pages 12 through 50 of the permit dated June 25, 1976 after the first full sentence on each of said pages for the reasons set forth below:

(a) The proposed limitations which are purportedly effective on the effective date of the permit, whether they are called initial, interim or final limitations do not accurately reflect the actual performance of the control facilities installed and operating at Gary Works or the quality of the effluent from these facilities or outfalls. Limitations based on a proper statistical analysis where statistically reliable effluent limitations to determine that at least a 95% confidence that limits would not be exceeded more than 5% of the time should be established for all outfalls and parameters.

(b) The monitoring requirements set forth on said pages are arbitrary, capricious and unreasonable and imposed an unnecessary burden upon USSC and are not necessary to accurately or adequately characterize or control the effluent from the facilities.

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(c) The facilities presently installed and operating at Gary Works are best practicable control technology currently available for application at this facility and the final limitations established should be those based on a proper statistical analysis wherein statistically reliable effluent limitations are determined with a minimum of 95% confidence the limits will not be exceeded more than 5% of the time. Available at data base for the operation of the best practicable control technology currently available as presently installed at USSC, Gary Works should be utilized to determine statistically reliable effluent limitations which can be achieved with a minimum of 95% confidence that said limitations will not be exceeded more than 5% of the time.

(d) To the extent that the limitations contained in above referenced pages of paragraph 30 are or may be based on Indiana waste load allocation for the Grand Calumet River, Indiana Harbor Ship Canal, Lake Michigan or the waste load allocation study conducted for the State of Indiana, said limitations are arbitrary and unreasonable and without basis in law. Said allocation and the allocation study were not based on accurate data or analysis for sound scientific principles. Limitations thereof cannot be achieved by the best available control technology economically achievable. The limitations for cyanide, phenol ammonia, Chloride, sulphate and florides are inconsistent and cannot be achieved by any

demonstrated technology.

(e) To the extent that the limitations contained in paragraph 30 in the above referenced pages are based on water quality standards adopted by the State of Indiana and/or approved by United States Environmental Protection Agency said standards particularly for cyanide, phenol, ammonia fluoride, chloride, sulfates and temperature are invalid and contrary to the law, are not based on accurate data or analysis or scientific principles, and are not necessary for the protection of public health and welfare and cannot be achieved by the best available technology economically achievable or by any demonstrated technology at this time. Furthermore, to the extent that the limitations contained in the permit are purportedly based on said water quality standards, they are improperly derived from said standards and said standards are improperly applied to USSC, Gary Works. To the extent that the limitations contained in the permit are purportedly based on either the water quality standards or the Indiana waste load allocation they are arbitrary, unreasonable and contrary to law and particularly to the intent of the Federal Water Pollution Control Act and would deprive USSC of due process of law and violation of the 5th Amendment to the Constitution of the United States.

(f) With respect to cooling water outflows, there is neither a need nor a basis for establishing limits for suspended solids, oil or other materials.

(g) To the extent that the limitations contained in the permit are purportedly based on any Effluent Guidelines or Standards, particularly upon the Iron & Steel Manufacturing Point Source Category Effluent Guidelines and Standards, Phase I 40 CFR part 420 heretofore remanded to the agency for reconsideration by the United States Court of Appeals for the 3rd Circuit, said limitations contained in the permit and the guidelines on which they are based are invalid. Furthermore, to the extent that any limitation of the permits are purportedly based on said guidelines, said limitations were improperly derived without a consideration of factors not considered in the guidelines, without consideration of factors peculiar to Gary Works which differentiated from those facilities which formed a basis for the limitations contained in the guidelines and without consideration of other sources of discharge.

13. USSC requests that if the limitations in the permit are not modified to reflect correct statistical analysis of the available data base such that they can be achieved with a minimum of 95% confidence that said limitations would not be exceeded more than 5% of the time on a gross basis, the permit should be modified by including a provision stating "representative sampling -- samples and measurements taken which reflect the effects of storm or surface runoff shall not be considered in determining violations."

14. USSC further requests the permit be modified by adding the following provision "Definitions" -- daily average discharge limitations and daily maximum discharge limitations herein contained

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are based on statistical analysis available data base are the finest limitations which can be achieved with the minimum of 95% confidence that said limitations will not be exceeded more than 5% of the time.

15. USSC further objects to that part of the paragraph 31 on page 53 of 57 "thermal limitations" which purports to apply water quality standards as thermal limitations to the discharges from this point. Said water quality standards, particularly but not solely those relating to the Grand Calumet River, are arbitrary, capricious and unreasonable and unlawful and not based on any valid requirement of federal or state law, and are not proper standards for inclusion in the permit. The limitations are so vague as to prevent USSC from knowing the meaning thereof and taking action to comply therewith and reasonable men of training and experience would reasonably disagree as to whether they were or not being met.

16. USSC further objects to the provision "thermal discharge demonstration" as the sole means of obtaining relief from the otherwise invalid, arbitrary and unreasonable thermal limitations found on page 53 of 57 of June 25, 1976 permit. There is no basis involved for requiring such a "thermal discharge demonstration" as the sole basis for obtaining relief from otherwise arbitrary and unreasonable limitations contained in the permit.

17. USSC further objects to the quote and requests the deletion of the "non-contact cooling water limitation" contained on page 54 of 57 of the permit. Said limitations are not based on

any sound data or accurate analysis and impose an arbitrary and unreasonable and capricious requirement upon USSC.

18. USSC objects to the schedule of compliance set forth on pages 55 and 56 of the permit. The interim dates contained therein for the submission of preliminary plans, and submission of final plans, had passed at the time the permit was issued. The date for the start of construction was only five days from the date of issuance of the permit. It would be impossible for USSC or any person to comply therewith. In addition a construction permit from the State of Indiana was required and could not have been obtained. None of the facilities currently contemplated by said schedule of compliance could be constructed by June 30, 1977 as therein required. In fact, testimony of the United States Environmental Protection Agency witnesses in related proceedings established that certain facilities could not be installed for a period of years beyond July 1, 1977.

19. USSC further objects to the provisions of the permit on page 57 relating to "schedule of compliance -- deep well" because as set forth above, the United States Environmental Protection Agency has no jurisdiction to control or regulate discharges into deep well, to require the submission of NPDES permit applications for said discharges, or to require studies or other work with respect thereto. In addition, the specific requirements contained on page 30 are arbitrary, capricious and unreasonable as applied to USSC Gary Works and would deprive it of property without due process of law.

20. The terms and conditions in said permit should be modified as follows:

(a) That said terms and conditions be modified specifically as requested herein by deleting those conditions specifically objected to and modified by adding or amending conditions specifically requested herein.

(b) Attachment A hereof to be substituted for the proposed permit dated June 25, 1976 as it represents the permit which fully confirms the agreements of the parties, the purpose and intent of the Federal Water Pollution Control Act, now are the relevant requirements.

21. USSC requests that the modifications specified herein, the terms and conditions of the permit objects to the specified terms and conditions of the permit for the reasons, terms and conditions as presently drafted are neither required nor are consistent with any applicable federal, state law or regulation or with the actual conditions of the USSC Gary Works and are not required in the public interest and would as applied to the USSC Gary Works, be contrary to provisions of the Federal Water Pollution Control Act of 1972 and the applicable regulations, and would deprive USSC of property without due process of law and in particular for the reason that the limitations contained in the proposed permit would make it impossible to operate the USSC Gary Works consistent with the terms thereof.

22. USSC believes that the issues to be resolved are:

(a) All the terms and conditions contained in the June 25, 1976 permit are in fact consistent with the terms and conditions of the initial decision of the regional administrator in case no. NPDES-V-027(ah).

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(b) Whether the permit dated June 25, 1976 is in fact a new permit subject to an adjudicatory hearing request or was an attempt at ministerial recording of the terms and conditions of the initial decision of the Regional Administrator as affirmed by the administrator in NPDES V-027.

(c) Are the terms and conditions of the permit of June 25, 1976 consistent with the purpose and intent of the Federal Water Pollution Control Act as applied to USSC Gary or, are as contended by USSC, contrary to the provisions and purpose of the Federal Water Pollution Control Act and are inconsistent with the facts.

(d) Whether the permit should be modified as requested by USSC (attached Exhibit A).

UNITED STATES STEEL CORPORATION

By 

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Permit No. IN 0000281

Application No. IN 070 0X3 2
720608

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq., the "Act"),

UNITED STATES STEEL CORPORATION
GARY WORKS

is authorized by the United States Environmental Protection Agency, Region V, to discharge from a facility located at Gary, Indiana,

to receiving waters named Lake Michigan and Grand Calumet River

in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III hereof.

This permit and the authorization to discharge shall expire at midnight, October 31, 1979. Permittee shall not discharge after the above date of expiration. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information, forms, and fees as are required by the Agency authorized to issue NPDES permits no later than 180 days prior to the above date of expiration.

- This permit shall become effective 30 days from this date of signature.

Signed this _____

Director, Enforcement Division

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A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, Permittee is authorized to discharge from outfall serial number 002 (GW-1).

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow-M ³ /Day (MGD)	-	-	-	-	Once per week	One measurement
Temperature	-	-	-	-	Once per week	One measurement
Suspended Solids	-	-	25 mg/l	75 mg/l	Once per week	Composite
Oil and Grease	-	-	4.3 mg/l	12.9 mg/l	Once per week	3/24 Grab

2. The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored once per week.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at a point representative of the discharge into the Grand Calumet River.

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A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period commencing with the completion of the blast furnace recycle system pursuant to the compliance schedule contained herein, and lasting until the expiration of the permit, Permittee is authorized to discharge from outfall(s) serial number(s) 017 (GW-5).

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow-M ³ /Day (MGD)	-	-	-	-	Once per week	One measurement
Temperature	-	-	-	-	Once per week	One measurement
Suspended Solids	4,000 lbs.	12,000	-	-	Once per week	Composite
Oil and Grease	-	-	2.3 mg/l	6.9 mg/l	Once per week	3/24 Grab
Ammonia	-	14,145	7.7 mg/l	-	Once per week	Composite
Cyanide	1,250 lbs.	3,750	-	-	Once per week	Composite
Phenol	-	900	.60 mg/l	-	Once per week	Composite

2. The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored once per week.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at a point representative of the discharge into the Grand Calumet River.

15500

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until expiration of this permit, the Permittee is authorized to discharge from outfall(s) serial number(s) 028 (GW-10A) and 030 (GW-11A).

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow-M ³ /Day (MGD)	-	-	-	-	Once per week	One measurement
Temperature	-	-	-	-	Once per week	One measurement
Suspended Solids	-	-	30 mg/l	90 mg/l	Once per week	Composite
Oil and Grease	-	-	4.6 mg/l	13.8 mg/l	Once per week	3/24 Grab

2. The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored once per week.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at a point representative of the discharge into the Grand Calumet River.

15907

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the Permittee is authorized to discharge from outfall(s) serial number(s) 034 (ST-17).

Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	Daily Avg.	Daily Max.	Daily Avg.	Daily Max.	Frequency	Sample Type
Flow-M ³ /Day (MGD)	-	-	-	-	Once per week	One Measureme
Temperature	-	-	-	-	Once per week	One Measureme
Suspended Solids	-	-	30 mg/l	90 mg/l	Once per week	Composite
Oil and Grease	-	-	9.0 mg/l	27 mg/l	Once per week	3/24 Grab

2. The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored once per week.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at a point representative of the discharge into the Grand Calumet River.

15908

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the Permittee is authorized to discharge from outfall(s) serial number(s) 036 (GW-L-1A), 037 (ST-L-5), and 038 (ST-L-2).

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow-M ³ /Day (MGD)	-	-	-	-	Once per week	One measurement
Temperature	-	-	-	-	Once per week	One measurement

2. The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored once per week.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at a point representative of the discharge into Lake Michigan.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the Permittee is authorized to discharge from outfall(s) serial number(s) 039 (ST-L-6).

Such discharges shall be limited and monitored by the Permittee as specified below:

EFFLUENT CHARACTERISTIC	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type.</u>
Flow-M ³ /Day (MGD)	-	-	-	-	Once per week	One measureme
Temperature	-	-	-	-	Once per week	One measureme
Suspended Solids	-	-	25 mg/l	75 mg/l	Once per week	Composite
Oil and Grease	-	-	6.5 mg/l	19.5 mg/l	Once per week	3/24 Grab

2. The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored once per week.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at a point representative of the discharge into the Grand Calumet River.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the Permittee is authorized to discharge to the Grand Calumet River.

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Suspended solids	96,110 lbs.	288,300			Once per week	Composite
Oil and Grease	16,530 lbs.	49,600			Once per week	3/24 Grab
Ammonia	7,575 lbs.	22,725			Once per week	Composite
Cyanide	7,400 lbs.	22,200			Once per week	Composite
Phenol	280 lbs.	840			Once per week	Composite

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at the Pennsylvania Railroad Bridge over the Grand Calumet River provided, however, that the samples shall not be taken for purposes of compliance or reporting when the City of Gary combined sewers are overflowing.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the Permittee is authorized to discharge from outfall(s) serial number(s) 007 (GW-2), 010 (GW-3), 015 (GW-4), 018 (GW-6), 019 (GW-7), 020 (GW-7A), 021 (GW-9), 032 (GW-13), 033 (ST-14).

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow-M ³ /Day (MGD)	-	-	-	-	Once per week	One measuremer
Temperature	-	-	-	-	Once per week	One measuremer

2. The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored once per week.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at a point representative of the discharge into the Grand Calumet River.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the Permittee is authorized to discharge from outfall(s) serial number(s) 001, 003, 004, 023, and 026.

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>

Such discharges are limited to storm water, steam condensate and/or cooling water.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the expiration date of this permit, the Permittee is authorized to discharge from outfall(s) serial number(s) 009, 011, 013, 022, 024, 025, 029, 031.

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>

Such discharges are limited to emergency discharges caused by severe storm flow or equipment and/or power failure.

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A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date of this permit and lasting until the completion of the blast furnace recycle system as set forth in the project completion schedule, Permittee is authorized to discharge from outfall(s) serial number(s) 017 (GW-5).

Such discharges shall be limited and monitored by the Permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	kg/day	(lbs/day)	Other Units (Specify)		Measurement	
	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Daily Avg.</u>	<u>Daily Max.</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow-M ³ /Day (MGD)	-	-	-	-	Once per week	One measurement
Temperature	-	-	-	-	Once per week	One measurement
Suspended solids	-	-	36 mg/l	108 mg/l	Once per week	Composite
Oil and Grease	-	-	2.3 mg/l	6.9 mg/l	Once per week	3/24 Grab
Ammonia	-	-	-	-	Once per week	Composite
Cyanide	-	-	-	-	Once per week	Composite
Phenol	-	-	-	-	Once per week	Composite

2. The pH shall not be less than 6.0 nor greater than 9.0 and shall be monitored once per week.
3. There shall be no discharge of floating solids or visible foam in other than trace amounts.
4. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at a point representative of the discharge into the Grand Calumet River.

PART I

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Permit No. IN 0000281

B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Samples and measurements taken which reflect the effect of storm or surface runoff shall not be considered in determining violations.

2. Reporting

Monitoring results obtained during the previous month shall be summarized and reported on the Indiana State Board of Health monthly reporting form, postmarked no later than the 28th day of the month following the completed reporting. Duplicate, signed copies of these, and all other reports required herein, shall be submitted to the Regional Administrator and the State at the following addresses:

U. S. Environmental Protection Agency
Region V, Enforcement Division
ATTN: Chief, Compliance Section
230 South Dearborn Street
Chicago, Illinois 60604

Indiana Stream Pollution Control Board
1330 West Michigan Street
Indianapolis, Indiana 46206.

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3. Definitions.

a. "Daily Average" Discharge

1. Weight Basis - The "daily average" discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the summation of the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.
2. Concentration Basis - The "daily average" concentration means the arithmetic average of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average of all the samples collected during the calendar day.

b. "Daily Maximum" Discharge

1. Weight Basis - the "daily maximum" discharge means the total discharge by weight during any calendar day.
2. Concentration Basis - the "daily maximum" concentration means the daily determination of concentration for any calendar day.

c. "24 Hour Composite" Sample Type - The "24 Hr. Composite" sample type means at least four samples taken at approximately equal intervals during a 24-hour period and composited.

d. "3 Grabs/24 Hr." Sample Type - The "3 Grabs/24 Hr." sample type means three samples taken at approximately equal intervals during a 24-hour period, analyzed separately and reported as an average.

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4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(g) of the Act, under which such procedures may be required.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years, or longer if requested by the Regional Administrator or the State water pollution control agency.

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C. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
 - a. Blast furnace recycle system (017) submit plans - Submit 6 months after final Agency approval of program
 - b. Start construction - 14 months after approval.
 - c. Progress report - 20 months after approval.
 - d. Second Progress report - 26 months after approval.
 - e. Complete construction of blast furnace central facilities including lift station, cooling facilities, and resupply system to recycle water to furnace area - 30 months
 - f. Attain operational level on all operating furnaces - 48 months.
2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of non-compliance, any remedial actions taken, and the probability of meeting the next scheduled requirements.

PART II

A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated or detected new or different discharges of pollutants must be reported to the Regional Administrator. Following such report, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Regional Administrator and the State with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate at optimum efficiency all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

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4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypassing

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The permittee shall promptly notify the Regional Administrator and the State in writing of each such diversion or bypass.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or, if such alternative power source is not in existence, and no date or its implementation appears in Part I,
- b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of one or more of the primary sources of power to the wastewater control facilities.

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B. RESPONSIBILITIES

1. Right of Entry

The permittee shall allow the head of the State water pollution control agency, the Regional Administrator, and/or their authorized representatives, upon the presentation of credentials

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control

In the event of any changes in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State water pollution control agency.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

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- a. Violation of any terms or conditions of this permit
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

5. Toxic Pollutants

SEE ATTACHED AGREEMENT DATED December 16, 1974.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part I, A-5) and "Power Failures" (Part II, A-7), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. (See attached Agreement dated December 16, 1974.)

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

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9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights. Nothing in this permit shall obviate the necessity of obtaining State or local assent required by law for the discharge(s) authorized herein.

10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

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PART III

OTHER REQUIREMENTS

Additional Reporting of Monitoring to Illinois Environmental
Protection Agency

The permittee shall submit one report to the State Agency every month. The reports will be the Indiana State Board of Health monthly reporting form. This report should be postmarked by the 28th day of the following month.